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February 19, 2021

**VIA ELECTRONIC FILING (ECF)**

Honorable Loretta A. Preska, U.S.D.J.  
United States Courthouse  
500 Pearl Street, Room 2220  
New York, New York 10007

**Re: *Amy Miller v. Levi & Korsinsky, LLP et al.***  
**Docket No. 1:20-cv-01390-LAP-BCM**

Dear Judge Preska:

We represent the Plaintiff, Amy Miller in the above-referenced matter.

We submit this letter on behalf of all parties pursuant to Your Honor's Order dated February 12, 2021 (Dkt. No. 31), granting Plaintiff's motion to dismiss Defendants' counterclaims and directing that the parties confer and inform the Court, by letter no later than February 19, 2021, of the status of the action.

**1. Status of the Case**

Pursuant to the Court's Order the parties conferred on February 17, 2021 and hereby advise that this case should proceed to mediation followed by discovery on a schedule to be set by the Court after an initial conference.

**2. Description of Previous Proceedings and Status of Mediation**

As the Court is aware, on June 3, 2020, the Court referred the parties for automatic mediation and for discovery to be produced under the discovery protocols that are attached to the Second Amended Standing Administrative Order. See Dkt. No. 20. By letter dated June 15, 2020, the parties requested that the Court extend the deadline to produce documents under the discovery protocols to August 4, 2020, and complete mediation to September 7, 2020. By Order dated June 17, 2020, the Court granted the request to extend the aforementioned deadlines. See Dkt. No. 22. However, in light of Plaintiff's then pending motion to dismiss the counterclaims, on July 30, 2020, Defendants requested that the August 4, 2020 deadline to produce documents under the discovery protocols and September 7, 2020 deadline to complete mediation be adjourned *sine die* and that

## MADUEGBUNA COOPER LLP

**The Honorable Loretta A. Preska**  
**February 19, 2021**  
**Page Two**

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both deadlines be reset following the Court's determination of the Motion. See Dkt. No. 26. The motion was granted. See Dkt. No. 27.

### **3. Referral to Mediator with Employment Law Expertise and Initial Conference**

In light of the Court's decision dismissing the counterclaims (Dkt. No. 31), the parties are now in a position to proceed to mediation, and thereafter conducting full discovery.

With respect to such mediation, the parties have conferred and jointly believe that the mediation stands a better chance of success if the Court directs the S.D.N.Y. mediation office to assign this matter to a member of the mediation panel with particular experience and expertise in employment matters.

The parties are also available, on a date and time that is convenient to the Court, for an initial conference to set a schedule for discovery.

### **4. Conclusion**

We thank the Court in advance for its consideration of this request.

Respectfully Submitted,

/s/

Samuel O. Maduegbuna

SOM/wwc

cc: Allen B. Roberts, Esq. (*via* ECF)  
Lori A. Medley, Esq.

*Attorneys for Defendants*